*Hoeffer* v. *Clogan,* 171 Ill. 462, 40 L. R. A. 720, 63 Am. St. Rep. 241, 49 N. E. 527. As to the degree of certainty necessary to constitute a valid charitable trust, the cases cannot be reconciled. In *Evertt* v. *Carr,* 59 Me. 325, a devise "in trust to be used purely and solely for charitable purposes" was held valid. While in *Webster* v. *Morris,* 66 Wis. 366, 57 Am. Rep. 278, a bequest "for charitable purposes" was considered too indefinite. On the question whether a gift for charitable purposes which leaves to the executor or trustee a discretion in choosing the objects of the charity, is valid, the courts are divided. The weight of authority is probably in favor of their validity. *Haynes* v. *Carr,* 70 N. H. 463, 49 Atl. 639; *St. James Asylum* v. *Shelby,* 60 Neb. 796, 84 N. W. 273; *Fox* v. *Gibbs,* 86 Me. 87, 29 Atl. 940. Other courts will refuse to enforce the devise or bequest if it fails to point out the general scheme of the charity. *People* v. *Powers,* 147 N. Y. 104, 35 L. R. A. 502, 41 N. E. 432; *Gambell* v. *Trippe,* 75 Md. 252, 15 L. R. A. 235, 32 Am. St. Rep. 388, 23 Atl. 461. The policy of the English courts in executing the general intent of the testator is broader than that of the courts in the United States. In *Mills* v. *Farmer,* 19 Ves. Jr. 483, the testator made a bequest to charitable "purposes as I intend to name hereafter." This was held to be a valid charitable bequest. See also, *Gillan* v. *Gillan,* 1 L. R. Ir. 114. Contra *Trinity Church* v. *Baker,* 91 Md. 539. If the gift in the principal case is too indefinite, it cannot be made valid by a resort to oral communications. *Trinity Church* v. *Baker,* supra; *Smith* v. *Smith,* 54 N. J. Eq. 1. But if it is a sufficient disposition, the fact that the plan and details are to be worked out in accordance with oral communications made to the executor will not invalidato the gift. *Grandom's Estate,* 6 Watts & S. 537.

CONSTITUTIONAL LAW—EQUAL PROTECTION OF THE LAWS—ABROGATION OF FELLOW-SERVANT RULE.—A Mississippi statute abrogates the common law fellow-servant rule as to "every employee of a railroad corporation" (§ 3559 Miss. Code, 1892). In a tort action for the wrongful killing of a section foreman, the defendant attacked the constitutionality of this clause. *Held,* it does not offend against the equal protection or due process clauses of the Federal Constitution. *Mobile, J. & K. C. R. R. Co.* v. *Turnipseed* (1910), — U. S. —, 31 Sup. Ct. 136.

Abrogation of the fellow-servant rule as applied to railroads has been generally upheld on the ground that legislatures have the right to pass laws affecting such especially hazardous employment. *Missouri P. R. Co.* v. *Mackey,* 127 U. S. 205; *Schradin* v *New York, C. & H. R. Co.,* 103 N. Y. Supp. 73; *Louisville & N. R. Co.* v. *Melton,* 30 Sup. Ct. 676; *Tullis* v. *Lake Erie & W. R. Co.,* 175 U. S. 348; *Georgia R. Co.* v. *Ivey,* 73 Ga. 499. But such laws are held unconstitutional as applied to corporations other than railroad corporations, upon the ground that burdens are imposed upon corporate employers that are not imposed upon individuals or partnerships carrying on the same kind of business. *Bedford Quarries Co* v. *Bough,* 168 Ind. 671. Then as applied to railroad corporations there are some decisions which hold that the term "employee" applies only to those persons operating the road and not to persons laying ties, for instance. *Ney* v. *Dubuque*

*& S. C. R. Co.*, 20 Iowa 347; *Deppe* v. *Chicago, R. I. & P. R. Co.*, 38 Iowa 592. And this was the company's basis for attacking the law in the principal case, relying upon what the Mississippi supreme court said in *Bradford Constr. Co.* v. *Heffin*, 88 Miss. 314, wherein a laborer employed to clean the tracks of gravel could not recover for an injury received while engaged in replacing a plow on the car, the injury being due to the negligence of a member of the train crew. However, the clear weight of authority is with the principal case as decided by the supreme court of Mississippi and affirmed by the United States Supreme Court, in sustaining the law abrogating the fellow-servant rule as to "every employee of a railroad corporation." This decision should settle the law in Mississippi.

CONSTITUTIONAL LAW—EQUAL PROTECTION OF THE LAWS—PERMIT TO WOMAN PHARMACIST TO SELL LIQUORS.—Plaintiff was a female pharmacist in Iowa. The statute provides that none but a qualified elector may engage in retail liquor business. The constitution declares electors to be male citizens over twenty-one years of age. In an appeal from a refusal of a license she attacked this law on the ground that it violates the constitutional provision for the uniform operation of the laws and against the granting of special privileges. *Held*, even though she, as a pharmacist among others, is discriminated against, excluding her from the privilege is not unconstitutional. *In re Carragher* (1910), — Iowa —, 128 N. W. 352.

The sale of liquors is within the power of the state and may be prohibited entirely. *Kansas* v. *Bradley* (C. C.) 26 Fed. 289. The state may control all sales and not deprive any citizen of equal protection of the laws. *McCullough* v. *Brown*, 41 S. C. 220. Or it may allow certain classes of persons only to dispense liquors. *State of Ohio* v. *Dollison*, 194 U. S. 445. It is valid exercise of police power to prohibit the employment of women in any saloon, beer hall or any place where liquors are sold as a beverage. *In re Considine* (U. S. C. C. Wash.) 83 Fed. 157; *City of Hoboken* v. *Goodman*, 68 N. J. L. 217. It is constitutional to prohibit liquor sellers from providing wine rooms for women. *Cronin* v. *Adams*, 192 U. S. 108. Not only liquor laws but labor laws discriminating against the sexes are upheld on the ground of public welfare and public morals. *State* v. *Muller*, 48 Ore. 252; *State* v. *Buchanan*, 29 Wash. 602.

CONTRACTS—PUBLIC POLICY.—Plaintiff, an apple grower, entered into a contract with defendant, a common carrier, whereby it was agreed that plaintiff would ship all of his crop of apples for the year 1907, over defendant's railroad and defendant agreed to furnish to plaintiff, at a certain point on its line, all the refrigerator cars required by plaintiff to handle and ship said crop of apples. There was nothing in the contract to show that plaintiff was to receive more than his proportionate share of cars or that others would be injured thereby, but upon breach of the contract, defendant based its defense upon the ground that the contract was void as against public policy. *Held*, a court should declare a contract void as against public policy only where the case is clear and free from doubt and the injury to the public is substantial